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United States Senate

WASHINGTON, DC 20510

January 14, 2004

The Honorable Michael Leavitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Administrator Leavitt:

We are writing in regard to the cleanup of Lake Roosevelt, an issue of great concern to our Washington state constituents. Unfortunately, the Lake has accumulated decades worth of contaminants that pose potentially significant risks to human health, the environment, and the regional economy. This pollution has also damaged federal and tribal property.

As you are aware, EPA Region X ("Region X") completed an extended site investigation in March 2003, which concluded that a smelter in Trail, British Columbia, was the "primary source of contamination to the upper Columbia River." Based on those findings and a strong desire by local stakeholders for immediate action, Region X entered into negotiations with Teck Cominco Metals Ltd. ("Teck Cominco"), the plant's owner, to develop a plan that would provide for a comprehensive study and timely cleanup of the Lake. Regrettably, those negotiations broke down just before Thanksgiving.

We commend EPA for its commitment to protect human health. In particular, we support Region X's decision to issue the Unilateral Administrative Order to Teck Cominco for a Remedial Investigation/Feasibility Study on December 11, 2003. We were disappointed to learn that Teck Cominco has challenged the jurisdiction of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") over its Canadian facilities. Region X's action ensures all stakeholders that this process will continue to move forward and that the necessary studies will be completed.

We also support the efforts of Region X Administrator John Iani, who led efforts to develop an "alternative" process. We believe an alternative approach that allows stakeholders to focus on cleanup activities and avoid costly, and possibly lengthy, litigation has value, provided that it meets the rigorous standards set forth by CERCLA. It is our hope that negotiations between Region X and Teck Cominco will resume as the Remedial Investigation/Feasibility Study begins.

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We urge your continued support of Region X's action and its efforts to develop an alternative process. Towards this end, we believe the following values should guide the development of an alternative process:

- The standards of CERCLA should apply to all studies and cleanup;
- The polluter(s) should pay for all study and cleanup costs, not the American taxpayers; and,
- The Confederated Colville and Spokane Tribes, local communities, and other stakeholders should have a voice in the design and implementation of studies and cleanup activities.

Finally, while we see value in an alternative process, we do not support any delay in studying the Lake to determine if it poses any significant risks to human health and the environment. Cleanup of Lake Roosevelt is critical to the local communities, Tribes, and the long-term stability of the regional economy.

Thank you for your attention to this matter. We ask that you keep us apprised of any noteworthy changes in regards to this issue.

Sincerely,


Patty Murray
United States Senator


Maria Cantwell
United States Senator

cc:

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